

From: [WebServices](#)
To: [Board Of Adjustment](#); [Projectinput](#)
Subject: Board of Adjustment Public Comment
Date: Tuesday, October 1, 2024 5:15:37 PM
Importance: High

Name: Vicki Best
Address: 13427 N 79th St. Scottsdale, AZ 85260
Email: vbest14u@gmail.com
Phone: (480) 888-6772

Comment:

In regards to the request to reduce the required buffer between care homes pertaining to the property located at 13440 N Hayden Rd. Scottsdale, AZ 85260, my husband and I would like to submit comments in opposition to allowing this project to be approved. We have lived in Scottsdale since 2001 and have been in our current property since 2016. Our home is located at 13427 N 79th St and is adjacent to the home backing to this property. We bought this home located in a beautiful equestrian neighborhood due to its country feel, slower pace and large spacious lots. We have enjoyed out time in this neighborhood and are slowly watching it deteriorate. We and our neighbors are dismayed to see our residential homes suddenly being surrounded by businesses. We have numerous short term rentals (approximately 16-17) in our small neighborhood that have been disruptive to our quality of life. As you are aware, there is already a care home operating on the property directly next to the home at 13440 N Hayden Rd. As of now, we have views of the McDowell mountains out our back door and it one of the reasons we purchased the property. The proposed care home is 7728 sq ft, 12 bedrooms and 14 bathrooms. This is a massive structure that potentially changes the views and definitely the feel of our property. The city zoning ordinance currently in place protects residents from the disruption to their lifestyles that are caused by businesses infiltrating neighborhoods. The current care home has frequent ambulance visits often with sirens and associated traffic with care givers and visitors. Adding a second one with zero buffer is disruptive to neighbors and goes against the reasoning behind have the zoning ordinance in place. As long time home owners in Scottsdale, we ask that this request to build an additional care home be denied. Thank you for your consideration, Darrin and Vicki Best

From: [WebServices](#)
To: [Board Of Adjustment](#); [Projectinput](#)
Subject: Board of Adjustment Public Comment
Date: Tuesday, October 1, 2024 4:58:24 PM
Importance: High

Name: Mark Reader
Address: 8215 E. Wood Drive
Email: mreader@stifel.com
Phone: (602) 432-4889

Comment:

Thank you for the opportunity to express my/our concerns at this Public Hearing regarding the zoning request for "another" New Care Home in our neighborhood. The following are my questions: How many square feet is being proposed? as we are concerned with recent developments that build huge homes which are not consistent with the "neighborhood" feel. I have noticed several large structures that look like boarding homes with huge square feet - with multiple cars parked on the property. Of note, is the property near Sweetwater and Hayden. If this zoning request goes through please make sure to reduce the square footage so we are not turning into a commercial neighborhood. Within a one square mile (for example) of subject property, how many "care homes" are there? How many may be forthcoming? is there a limit on such businesses in our neighborhood? Is there another care home next door to subject property on Hayden? Between care homes and VRBO Airbnb type rentals in our neighborhood, we are extremely frustrating. We see lots of cars with out of state license plates coming into our neighborhoods with large parties (people). I am very disappointed in neighborhoods being inundated with people we don't know - not right. Who is the developer and what his experience? how many properties does he own and how many in our neighborhood? Very disappointing what is happening and I think impact property values. Many of us our discussing the retaining of a land use attorney if necessary (and unfortunate. I can't make the meeting - please keep me posted and I would like to request a second public hearing. Mark Reader

From: [WebServices](#)
To: [Board Of Adjustment](#); [Projectinput](#)
Subject: Board of Adjustment Public Comment
Date: Tuesday, October 1, 2024 3:08:49 PM
Importance: High

Name: Kathleen Jones
Address: 13426 N 79th Street, Scottsdale, AZ 85260
Email: jonesinarizona@aol.com
Phone:

Comment:

Case number 8-BA-2024 I have lived at this address for 45 years. This neighborhood is zoned with building height restrictions, commercial business restrictions, and other regulatory restrictions. Unfortunately, in recent years, more and more exemptions have been approved in this area, resulting in the slow disintegration of this community. The family life style characteristics of this neighborhood have changed. I used to know personally, greet, and converse with so many of my neighbors regularly. No longer. Because of the ever increasing number of group homes and short term rentals in this neighborhood, I seldom know the people walking by my house anymore. Another business/group home/ short term rental in this neighborhood will only hasten the demise of the quality of life of the residents here. As a long-term Scottsdale resident and taxpayer, I object to the approval of this exemption! DO NOT APPROVE THIS EXEMPTION!

From: [WebServices](#)
To: [Board Of Adjustment](#); [Projectinput](#)
Subject: Board of Adjustment Public Comment
Date: Tuesday, October 1, 2024 2:55:39 PM
Importance: High

Name: Thomas and SueAnn Murphy
Address: 13402 N Hayden Rd, Scottsdale, AZ 85260
Email: sasafian@cox.net
Phone: (480) 580-6366

Comment:

reference case #8-BA-2024.....My husband and I are against this case. We have several group homes in our area already. This is horse property and we have people trying to pull horse trailers in and out of our block and that isn't easy with all the traffic speeding down Hayden Rd..That doesn't even take into consideration all the extra traffic that would be going in and out of that property for deliveries and visitation.

From: [WebServices](#)
To: [Board Of Adjustment](#); [Projectinput](#)
Subject: Board of Adjustment Public Comment
Date: Monday, September 30, 2024 7:15:39 PM
Importance: High

Name: Sheryl Rucker
Address: 13428 N Hayden Rd, Scottsdale AZ 85260
Email: SLR7057@cox.net
Phone: (480) 518-3684

Comment:

Please accept my objection to granting the exemption request for case #8-BA-2024 on the following grounds: 1-Granting an exception to reduce group home separation distance to 0 completely invalidates City zoning ordinance Section 5.202.A.1 & sets a legally defensible precedent for ANY future request of ANY distance to be approved. Residential neighborhoods could end up with entire blocks of adjacent facilities, in essence reallocating the properties to commercial status & annihilating the family residence nature of our neighborhoods. 2-According to the City's own research, there are zero (0) newly approved care homes within twelve hundred (1,200) feet of an active care home; furthermore, there appear to be zero (0) recorded care homes that directly abut another active care home. 3-The additional traffic, activity, & frequent emergency paramedic calls at all hours of the day and night pose a significant disturbance to current residents. 4-The parking of staff, visitor & other vehicles near another resident's property line is a noise annoyance & an eyesore 5-The current group home adjacent to this site already results in strangers who miss their driveway to enter private property to turn around, which poses a safety hazard for adults, children and pets occupying the premises. 6-The building of such large structures granted status as group homes or short term rentals has completely destroyed the nature of a peaceful equestrian lifestyle for which many of us moved to this part of Scottsdale, and clearly does not support the City's aim of being "the West's most Western town." 7-The applicant is claiming a disability accommodation on behalf of individuals with disabilities who are seeking residence at Sweetwater Assisted Living on 7924 E Sweetwater Rd., that they are unable to accommodate because that location is at capacity. Let's be clear that this home is not being constructed as a benevolent gesture to reasonably serve the broader elder community, it is a for-profit commercial venture in the middle of a residential neighborhood. The cost of occupancy at the applicant's current care home ranges from \$7500-\$10,000 per month, hardly an attainable cost for a large majority of seniors needing care. In addition, there are many other elder care homes in Scottsdale that can accept the overflow. 8-With respect to the City's case analysis report that cites "Residents could live at this location as a "Family," which is defined in Section 3.100 of the Zoning Ordinance as "one (1) to six (6) adults... [including] a residential facility as that term is defined in Title 36, Chapter 5.1, Article 2 of the Arizona Revised Statutes, in which persons with developmental disabilities live and that is licensed, operated, supported or supervised by the State of Arizona" without the need for a disability accommodation. Only when more than 6 residents are living in the care home is the separation requirement applicable." Please note that the State of Arizona clearly defines developmental disabilities, with one of the criteria stating "A developmental disability must manifest itself before the person turns 18 according to Arizona's law." (Federal law extends the time period to 22 years old). This does not appear to describe the elder care

overflow clientele that the applicant has stated it is his goal to serve with the newly proposed location.

From: [WebServices](#)
To: [Board Of Adjustment](#); [Projectinput](#)
Subject: Board of Adjustment Public Comment
Date: Monday, September 30, 2024 7:04:06 AM
Importance: High

Name: Sevan Trust
Address: 13415 N. 79th St., Scottsdale, AZ 85260
Email: monet_investment@yahoo.com
Phone:

Comment:

RE: 8-BA-2024 I Oppose the waiver. Our CC&Rs do not permit or make allowances for this type of project, and that is something the city should seriously take into consideration, when making their determination. ALSO 1. They call for "single family" homes, horses permitted, to be constructed not multi-family homes, which is what Mr. Matache is really proposing. 2. Prohibits paying guests, which is what the care home would allow. 3. Cannot be an annoyance or nuisance to the neighborhood, which the existing care home has already proven. 4. No business of any kind or character may be operated out of any home. 5. All homes should be constructed to conform to the look & intended purpose of the sub-division. • As to the Disability Accommodation for a care home, I find Matache's argument to be grasping at straws. • If a "0" minimum is established, there would be no area that would be immune to this sort of development. • Although Mr. Matache would have us believe he is being benevolent, this is purely a business venture, that would be convenient and extremely lucrative, ONLY for Mr. Matache and his family. PLEASE KEEP SCOTTSDALE "THE WEST'S MOST WESTERN TOWN".

From: [WebServices](#)
To: [Board Of Adjustment](#); [Projectinput](#)
Subject: Board of Adjustment Public Comment
Date: Sunday, September 29, 2024 6:28:39 PM
Importance: High

Name: Brian Mark Reader
Address: 8215 E. Wood Drive, Scottsdale, AZ 85260
Email: mreader@stifel.com
Phone: (602) 432-4889

Comment:

Case 8-BA-2024, Hayden/Sweetwater Adult Care Home, 13440 N. Hayden Road. Please explain: "to reduce the required buffer between care homes to allow for a new care home, for a property with single-family residential"? What does this mean? Is this property already zoned for a Care Home? I am unable to attend the Public Hearing due to out of town travel. What are my options? Mark Reader, 8215 E. Wood Drive, Scottsdale, AZ, 602-432-4889. mreader@stifel.com. This property is near my SFR.

Rodorigo, Karissa

From: Cluff, Bryan
Sent: Tuesday, September 24, 2024 8:35 AM
To: Rodorigo, Karissa
Cc: Kelly, John
Subject: FW: Board of Adjustment Public Comment

Importance: High

Hi Karissa,
I believe this is for your case.

Thanks,
Bryan

From: WebServices <WebServices@scottsdaleaz.gov>
Sent: Monday, September 23, 2024 5:23 PM
To: Board Of Adjustment <BoardofAdjustment@ScottsdaleAZ.gov>; Projectinput <Projectinput@Scottsdaleaz.gov>
Subject: Board of Adjustment Public Comment
Importance: High

Name: Emilie Sundie
Address: 7836 East Wood Drive
Email: emilie@sundie.com
Phone: (480) 640-6275

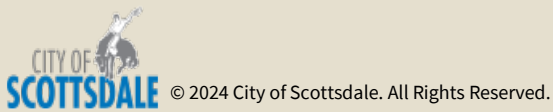
Comment:
I have lived in Paradise Valley Ranchos since 1970. I object to your issuing a variance to add yet another group home (on Hayden Road between Sutton and Thunderbird) to our little subdivision. We have more than our share of short term rentals and group homes and our identity as a residential neighborhood is in jeopardy.

Rodorigo, Karissa

From: NoReply
Sent: Tuesday, September 24, 2024 5:28 PM
To: Rodorigo, Karissa
Subject: adult care home addition in my neighborhood



I would strongly oppose having an additional care home in our neighborhood. Please note that laws and ordinances are established to be followed to support the safety and well-being of a neighborhood. Supporting this businesses' variance is going against what Scottsdale has previously set up. Let's stick to the rules, folks! -- sent by maureen carlson (case# 8-BA-2024)



Rodorigo, Karissa

From: NoReply
Sent: Tuesday, September 24, 2024 6:48 PM
To: Rodorigo, Karissa
Subject: Support for CASE 8-BA-2024



Hello - Thank you for the opportunity to provide feedback. My family and I live at 8217 E. Redfield Road. I am writing in SUPPORT of Case 8-BA-2024, which would allow the property of 13440 N. Hayden Road, Scottsdale AZ 85260 to operate as an adult care home. Scottsdale has an aging population and there is a great need for these types of facilities. With this home situated on a busy road, it seems like an ideal location, versus another home that may be more attractive to a family. Thank you for your consideration. Emmie Cardella -- sent by Emmie Cardella (case# 8-BA-2024)



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Rodorigo, Karissa

From: NoReply
Sent: Tuesday, September 24, 2024 7:52 PM
To: Rodorigo, Karissa
Subject: Case 8-BA-2024



I have heard that there may be a care home going in at 13440 N. Hayden Road. As a neighbor I have issues with this as there is another care home immediately adjacent to that home. Current zoning requires that care homes be at least 1200 feet apart and these two facilities would not meet zoning regulations. This is suppose to be a neighborhood for families. When you allow too many homes used for other purposes it not only brings down the value of other ho,es in the area but also decreases the sense of bonding within the neighborhood. I implore you to not allow an exemption for this home. -- sent by Carey Cohen (case# 8-BA-2024)



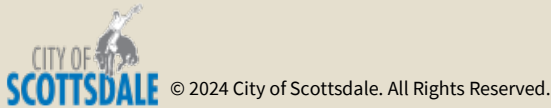
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Rodorigo, Karissa

From: NoReply
Sent: Tuesday, September 24, 2024 9:13 PM
To: Rodorigo, Karissa
Subject: Case 8-BA-2024



Hello, I live in the Cactus Corridor area very near Hayden. I just wanted to voice my dissent to the proposed care home on Hayden Rd. directly next door to an existing care home. Current zoning laws state that these businesses must be at least 1200 feet away from one another. We already have several care homes in our area, and as a permanent resident, I am concerned adding to the number will adversely affect our home values and increase neighborhood traffic on streets filled with young families. I also oppose allowing a zoning variance. I very much believe that such variances will ultimately allow more and more businesses to seek such special treatment. This is a not a business district; it is our home. I hope you will consider the will of the permanent residents in the area when deciding whether to approve or deny an exception to zoning law. -- sent by Shannon Fernando (case# 8-BA-2024)



Rodorigo, Karissa

From: NoReply
Sent: Wednesday, September 25, 2024 2:00 PM
To: Rodorigo, Karissa
Subject: Case 8-BA-2024



NO! As long-time residents of Scottsdale, namely our property in Patterson Ranch, we oppose another care home being added in close proximity to our neighborhood and the current care home at 13452 N Hayden Rd. Scottsdale. This goes against current zoning restrictions which are in place to protect residents of our fine city of Scottsdale. Current zoning restricts operating other care homes within 1200 feet from another care home facility. Notably this home was purchased on 9/24/2024 which is the same date shown on the board of adjustment report. We DO NOT approve of this "adjustment". Perhaps each of those who signed off on this zoning adjustment would like to have a care facility next door to your homes? I would like to know how many of you are Scottsdale residents? -- sent by Jennifer West (case# 8-BA-2024)



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Rodorigo, Karissa

From: NoReply
Sent: Thursday, September 26, 2024 3:39 PM
To: Rodorigo, Karissa
Subject: Case 8-BA-2024

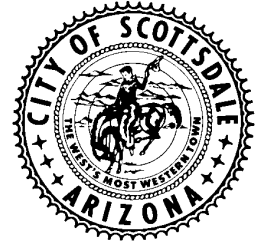


I am a resident in the area of the proposed care home facility. I am also a luxury home realtor. Having another care home facility directly next to another will not only add additional traffic, it will also affect property values. We do not support the approval of another care home facility in our neighborhood and kindly ask you to deny the application. If you should have any questions, I can be reached at 480-580-4524. Thank you in advance for your time and consideration.
Yvonne Faustinos 8013 E Sharon Dr Scottsdale Az 85260 -- sent by Yvonne FAUSTINOS (case# 8-BA-2024)



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BOARD OF ADJUSTMENT REPORT



Meeting Date: 10/2/2024

ACTION

**Hayden/Sweetwater Adult Care Home
8-BA-2024**

Request to consider the following:

1. Request by owner for a disability accommodation to the City of Scottsdale Zoning Ordinance, Section 5.202.A.1 (and Table 5.102 by reference) to reduce the required buffer between care homes to allow for a new care home, for a property with Single-family Residential (R1-35) zoning located at 13440 N Hayden Road..

OWNER

Samuel Matache
(602) 790-8100

APPLICANT CONTACT

Samuel Matache
(602) 790-8100

LOCATION

13440 N Hayden Rd

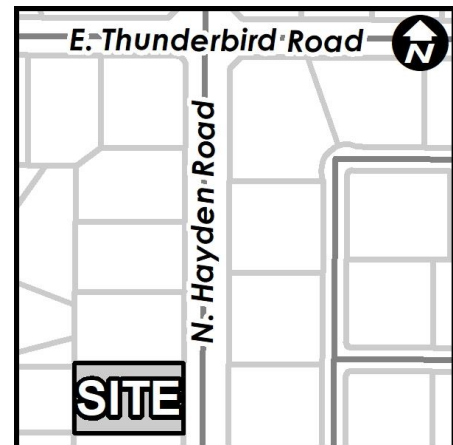
BACKGROUND

History

The subject site is Lot 88 in the Paradise Valley Ranchos No. 2 subdivision, platted by Maricopa County in 1959. This parcel was annexed into the City of Scottsdale in 1962 under Ordinance 165, and the City of Scottsdale R1-35 zoning standards were applied.

Zoning/Development Context

The subject site is zoned Single-family Residential (R1-35) and abuts other single-family homes with the same zoning designation. The site faces N Hayden Road, with other properties zoned R1-35 to the east. According to the Maricopa County Assessor, the current residence on the subject parcel was constructed in 1970. The parcel directly to the north of the subject parcel, 13452 N Hayden Rd., was approved to operate as a care home in 2013 under case 5-AC-2013.



Zoning Ordinance Requirements

Pursuant to Section 5.202.A.1, Table 5.102 #3 (use limitation (2)c) pertaining to the separation requirement between care homes: A care home shall not be located within twelve hundred (1,200) feet, measured from lot line to lot line, of another care home.

The applicant is requesting a disability accommodation to reduce the separation requirement from twelve hundred (1,200) feet to zero (0) feet to allow for a new care home abutting an existing care home.

Care Homes are permitted land uses in Single-family Residential zoning districts subject to the following criteria:

- a. *Floor area ratio:* Is limited to thirty-five hundredths (0.35) of the net lot area.
- b. *Capacity:* The maximum number of residents, including up to ten (10) disabled persons, the manager/supervisor, property owner, and residential staff at the home is twelve (12) per residential lot.
- c. *Location:* A care home shall not be located within twelve hundred (1200) feet, measured from lot line to lot line, of another care home.
- d. *Compatibility:* The home and its premises shall be maintained in a clean, well-kept condition that is consistent in materials and design style with homes in the surrounding or adjacent neighborhood.
- e. *Criteria:* Care homes must be licensed by the State of Arizona and must provide proof of such licensing by the State of Arizona as a health care institution to the Director of Planning prior to the commencement of operations. All care homes must pass an initial and annual fire inspection administered by the Scottsdale Fire Department. Proof of such inspection and of correction of any noted deficiencies must be available at the care home at all times.
- f. *Accommodation:* A disabled person may request a disability accommodation from the above criteria or a development standard pursuant to Section 1.806 of the Zoning Ordinance.

Care Homes are a permitted land use in the Single-family Residential (R1-35) zoning district applicable to this site.

Code Enforcement Activity

No code enforcement activity has occurred as of the writing of this report.

Community Input

City of Scottsdale hearing notification postcards were sent to property owners within 750 feet of the subject site; additionally, the site has been posted with a hearing notice sign, and a notice was published in a newspaper of local circulation.

As of the writing of this report, staff has received zero (0) emails and zero (0) phone calls in opposition or support of the accommodation request.

Discussion

On July 29, 2024, the applicant submitted a pre-application (677-PA-2024) for a new care home at the subject site. The proposal is to construct a new single-family residence to be used as a care home, expanding the services they provide at their nearby care home located at 7924 E Sweetwater Ave, approved under case 19-AC-2017 and constructed in 2019.

Staff advised that the subject site abuts an active care home site at 13452 N Hayden Rd. and does not meet the twelve hundred (1,200) foot separation requirement. The applicant asserted that there are other care homes in the city that do not meet this criterion, according to [the active care home map](#) available on the City of Scottsdale's website. Staff found that in most cases, the non-conforming care homes were approved under previous separation requirements. With the adoption of text amendment case 2-TA-2017, the separation requirement increased from five hundred (500) feet in any direction, or seven hundred fifty (750) feet on the same street, to twelve hundred (1,200) feet in any direction.

Staff sent a follow-up email providing information on the current care home ordinance, as well as the case information for 2-TA-2017 to address questions regarding the ordinance history and federal housing laws. Staff also provided the criteria for a disability accommodation outlined in Section 1.806 of the Zoning Ordinance.

On August 21, 2024, the applicant and staff discussed the disability accommodation application process, and a formal submittal was made on August 29, 2024. The submittal includes site and floor plans proposing a 7,728 sq. ft. single-family residence. The applicant states that the plan includes 12 bedrooms and 14 bathrooms to accommodate 10 residents and staff (see Attachment 8). The applicant is requesting an accommodation to reduce the separation requirement from twelve hundred (1,200) feet to zero (0) feet for the proposed care home.

As part of the review of this request, staff analyzed active care homes using City of Scottsdale records to identify those that do not meet the current twelve hundred (1,200) foot separation requirement (see Attachment 9). Out of the twenty-eight (28) properties identified, six (6) are identified as "New Approved." Of these properties, two (2) were approved after the adoption of 2-TA-2017. Both approvals were for care homes that had been operating prior to the separation requirement increase. Within the City of Scottsdale, there appear to be zero (0) newly approved care homes within twelve hundred (1,200) feet of an active care home; furthermore, there appear to be zero (0) recorded care homes that directly abut another active care home.

Staff analyzed case information gathered from City of Scottsdale records and found that out of the most recent eight (8) disability accommodation cases heard by the Board of Adjustment since 2017, three (3) requested an accommodation to reduce the care home separation requirement, and two (2) were approved (see Table 1). Staff did not find any instances where the separation requirement was reduced to zero (0) feet.

Table 1. Summary of disability accommodation cases pertaining to care home location requirements within the past seven (7) years.

Case #	Board Decision	Request
3-BA-2018	Approved (Conditional)	To reduce the separation between care homes from twelve hundred (1,200) feet to four hundred fifteen (415) feet for an operating care home under the following conditions: the maintenance of a State license shall be in good standing, the property shall remain in the same lot configuration, and the property shall maintain the same operations at the same standards as presented in the request.
21-BA-2020	Denied	To reduce the required front yard setback by five (5) feet along the longer street frontage, and to reduce the care home separation requirement by five hundred (500) feet to allow the care home to be located within seven hundred (700) feet of another care home, to allow for an addition that would expand the non-conforming use of the property and structure of the residence.
6-BA-2022	Approved	To reduce the required buffer by five hundred (500) feet, which would allow the care home to be located within seven hundred (700) feet of another care home, to allow for an expansion of approximately 1,892 sq. ft. to a care home licensed in 2005.

DISABILITY ACCOMMODATION CRITERIA ANALYSIS

A. A disability accommodation from a development standard or separation requirement shall not be authorized unless the Board shall find upon sufficient evidence all of the following:

1. The requested accommodation is requested by or on the behalf of one (1) or more individuals with a disability protected under federal and Arizona fair housing laws (42 U.S.C. § 3600 et seq. and A.R.S. § 41-1491 et seq.);

Applicant Statement:

The applicant states in their justification (see Attachment 2) that the requested accommodation is being made on behalf of individuals with disabilities who are seeking residence at Sweetwater Assisted Living on 7924 E Sweetwater Rd., that they are unable to accommodate because that location is at capacity.

Staff Analysis:

Based on the applicant's supporting documentation, the requested accommodation is being made on behalf of the yet to be State licensed assisted living facility with directed care services for the elderly. The Arizona Department of Health Services defines directed care

services as “programs and services, including personal care services, provided to persons who are incapable of recognizing danger, summoning assistance, expressing need or making basic care decisions.”

Assisted Living Facilities are protected under federal and Arizona fair housing laws.

2. The requested accommodation is necessary to afford an individual with a disability equal opportunity to use and enjoy the dwelling:

Applicant Statement:

The applicant states that the requested accommodation is necessary so that disabled residents who are seeking to be housed at Sweetwater Assisted Living on 7924 E Sweetwater Rd., but cannot be due to the capacity issue, can be accommodated at 13440 N Hayden Rd.

Staff Analysis:

The city must grant a reasonable accommodation from limiting development standards to individuals with disabilities where the application of development standards would deprive those individuals the ability to enjoy the housing of their choice in a manner equal to that of other individuals.

For the applicant’s proposal to provide care for ten (10) residents, the property would be required to comply with the care home criteria including the separation requirement of twelve hundred (1,200) feet, therefore requiring an accommodation in this case. However, residents could live at this location as a “Family,” which is defined in Section 3.100 of the Zoning Ordinance as “one (1) to six (6) adults... [including] a residential facility as that term is defined in Title 36, Chapter 5.1, Article 2 of the Arizona Revised Statutes, in which persons with developmental disabilities live and that is licensed, operated, supported or supervised by the State of Arizona” without the need for a disability accommodation. Only when more than 6 residents are living in the care home is the separation requirement applicable.

3. The standard or requirement unduly restricts the opportunity for a person with a disability from finding adequate housing within the City of Scottsdale;

Applicant Statement:

The applicant states that although the area appears to be fully covered by existing care homes, they receive requests from potential residents looking for a care home in the area but cannot find adequate care and accommodation. The applicant states that they are looking to build a new residence and provide a similar living experience as their current facility, so that residents can enjoy housing in the area they are looking to reside in.

Staff Analysis:

If disabled residents need additional care within a care home in a residential environment, those disabled residents have other dwellings within Scottsdale to choose from. Alternatively, the applicant could choose to apply for a care home at a different property that is properly separated from other care homes, per City of Scottsdale requirements. The Care Home Online Map, available on the city's website, depicts all residential properties within the area and city that would comply with the current separation requirement. There are other homes in the vicinity that would meet the separation requirement.

4. The requested accommodation does not fundamentally alter the nature and purpose of the Zoning Ordinance of the City of Scottsdale;

Applicant Statement:

The applicant states in their justification that the requested accommodation does not alter the nature and purpose of the Zoning Ordinance. The home that they are looking to build at this location will be consistent in nature and appearance with the adjacent residential properties and will be a visual improvement to the home that is currently existing on the site.

Staff Analysis:

The Zoning Ordinance allows care homes as a permitted land use in a detached single-family dwelling in a Single-family Residential zoning district. State regulations direct the occupancy of up to ten (10) residents in a care home environment living in a single-family unit as being similar in use and impact as the typical occupancy of a single-family dwelling. These State regulations also allow local regulation on separation requirements.

The purpose of requiring separation between care homes is to prevent oversaturation of care homes (with more than 6 residents) within a neighborhood, protecting the single-family character. Furthermore, the city's separation standard of twelve hundred (1,200) feet is to ensure that there would be no more than one care home facility in close proximity to another, maintaining continuity within single-family neighborhoods and ensuring that the low density of the zoning district is maintained.

Based on the applicant's narrative and proposal for a new single-family dwelling, this request satisfies the FAR, capacity, and compatibility criteria outlined in Table 5.102 #3 of the Zoning Ordinance. However, because the subject site and the existing care home site at 13452 N Hayden Rd. share a common property line, the impact for the residents of the care homes and neighboring properties could be significant. The request to adjust the separation requirement from twelve hundred (1,200) feet to zero (0) feet is a 100% reduction, and fundamentally alters the nature and purpose of the City of Scottsdale Zoning Ordinance.

5. The requested accommodation will not impose an undue financial or administrative burden on the City, as "undue financial or administrative burden" is defined in federal and Arizona fair housing laws (42 U.S.C. § 3600 et seq. and A.R.S. § 41-1491 et seq.) and interpretive case law;

Applicant Statement:

The applicant states in their justification that the requested accommodation will not impose an undue financial or administrative burden on the city. The new building will result in a positive financial gain for the city due to the increase in property taxes. Furthermore, the applicant is prepared to initiate a positive change in the neighborhood and be a good neighbor in the City of Scottsdale where they call home.

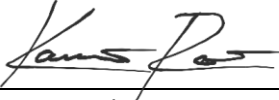
Staff Analysis:

There is no anticipated undue financial or administrative burden on the city if the requested accommodation is granted.

SUMMARY

Based on the facts presented by the applicant, the evidence would support a finding that the property does not meet all the Ordinance criteria set in Section 1.806 for a disability accommodation, and that the request to eliminate the Ordinance's separation requirement would fundamentally alter the nature and purpose of the Zoning Ordinance. However, the decision about whether the criteria have been met and that a disability accommodation should be granted is for the Board to make after hearing all the evidence at the hearing.

APPROVED BY



Karissa Rodorigo, Report Author
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09/16/2024

Date



Bryan Cluff, Board of Adjustment Liaison
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9/16/2024

Date



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9/16/2024

Date



Erin Perreault, AICP, Executive Director
Planning + Development Services
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09/16/2024

Date

ATTACHMENTS

1. Application Narrative
2. Justification for Disability Accommodation
3. Context Aerial
4. Context Aerial with Related Properties Identified
5. Close-Up Aerial
6. Zoning Aerial
7. Site Photographs
8. Proposed Site Plan and Floor Plan
9. Summary of Care Homes Not Meeting Separation Requirement
10. City Notification Map

Application Narrative

To Whom It May Concern,

I am currently the owner of the Sweetwater Assisted Living located at 7924 E Sweetwater Ave, Scottsdale, AZ 85260. When I purchased the home in late 2017, the home located on the site was low ceiling, single story 2,800 square foot eyesore, which was built in the 1960s. Originally, we were planning of doing a remodel and moving into the home to live with my family. Shortly thereafter, some elderly friends were no longer able to live on their own and needed to be supervised in their day to day living. Indirectly, I saw what they had to go through to find the proper accommodations for their living situation and I realized that there is an extensive need for people who are able and willing to provide care for our elderly population. Additionally, my own parents and in-laws are fast approaching an age where they may need to have supervisory care for themselves. Due to this, we researched the process and decided to start a care home. We realized that as the aging baby boomer population grows older, the need for housing and care for persons with disabilities and failing health will grow substantially.

We submitted plans to rebuild the home at 7924 E Sweetwater to establish a world class care home that would provide top notch care for people with disabilities. This includes people who are suffering from dementia or Alzheimer's, Parkinsons, and/or physical paralysis among many other afflictions.

In June of 2021, we opened our doors to Sweetwater Assisted Living. Through word-of-mouth referrals and our excellent staff and service, we were able to fill up to capacity.

Being that we are only able to provide care to 10 residents, we are at capacity and are heartbroken every time we must tell a family that we are not able to accept their mom or dad as a resident in our care home. We started looking for other ways to accommodate these requests.

We were able to get a home right down the street from our current care home which currently is in the same condition of the home that was originally located at 7924 E Sweetwater. We envisioned that we could transform the neighborhood by turning that property around and improving it just like we have done for the property at 7924 E Sweetwater.

By rebuilding that property into a care home, we can realize that we can provide a substantial benefit for the disabled persons looking for housing in the neighborhood, the neighboring homes and neighborhood, and also for the City of Scottsdale.

Justification for Disability Accommodation

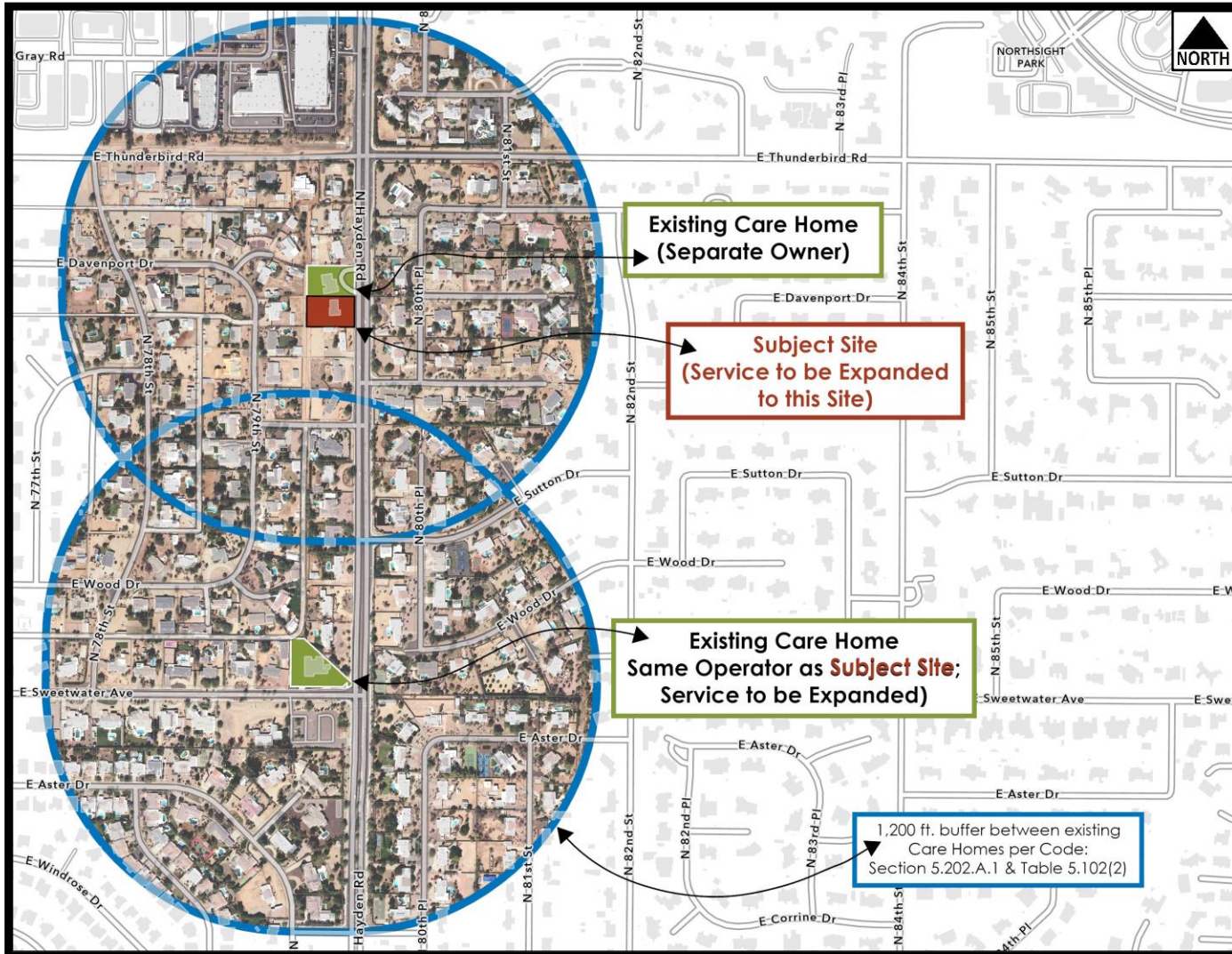
1. I am submitting the disability accommodation request on behalf of my residents whom I have to turn away due to not having sufficient space to accommodate them at my home at 7924 E Sweetwater. These individuals are afflicted by various disabilities with no regard to race, color, creed or religion. We do not discriminate in any aspect with our residents, but we are limited by our capacity at Sweetwater Assisted living and therefore are looking to accommodate them at 13440 N Hayden.
2. This accommodation is necessary so that all of the disabled residents who are seeking to be housed at Sweetwater Assisted living and cannot be due to capacity issue, can now be accommodated here.
3. When viewing the map that shows every existing care home and the radius required by the current code, the area appears to be fully covered. We then have requests from individuals and couples who are looking for a care home in the area but cannot find adequate care and accommodations. Due to this, we are looking to build a home and provide a similar living experience for them to be able to enjoy the proper housing in the area they are looking to reside in.
4. This requested accommodation does not alter the nature and purpose of the zoning ordinance. The home that we are looking to build on this location will not look other than residential in nature and appearance. Additionally, it would in fact look significantly better than the current home that is on the site and the neighboring properties as well.
5. The requested accommodation will not impose any undue financial or administrative burden on the city. Per our experience, the new building will result in a positive financial gain for the city as the property taxes will increase substantially. Furthermore, we are prepared to initiate a positive change in the neighborhood and be a good neighbor in the City of Scottsdale where we call home.

Furthermore, we are prepared to comply with all building and fire codes and as previously mentioned, the requested accommodation will not result in any direct threat to the health and safety of any individuals or any properties in the area. The plans we have for the property will be a net positive for the neighbors, the City, and all the residents that we will be able to provide a home for.



Context Aerial

8-BA-2024



Nearby Existing Care Homes

8-BA-2024



Close-up Aerial

8-BA-2024



Q.S.
32-46

Aerial

Zoning Aerial

8-BA-2024

Images of subject site, 13440 N Hayden Rd.





Image of 13452 N Hayden Rd. as seen from subject site.



Hayden Road viewed from subject site.

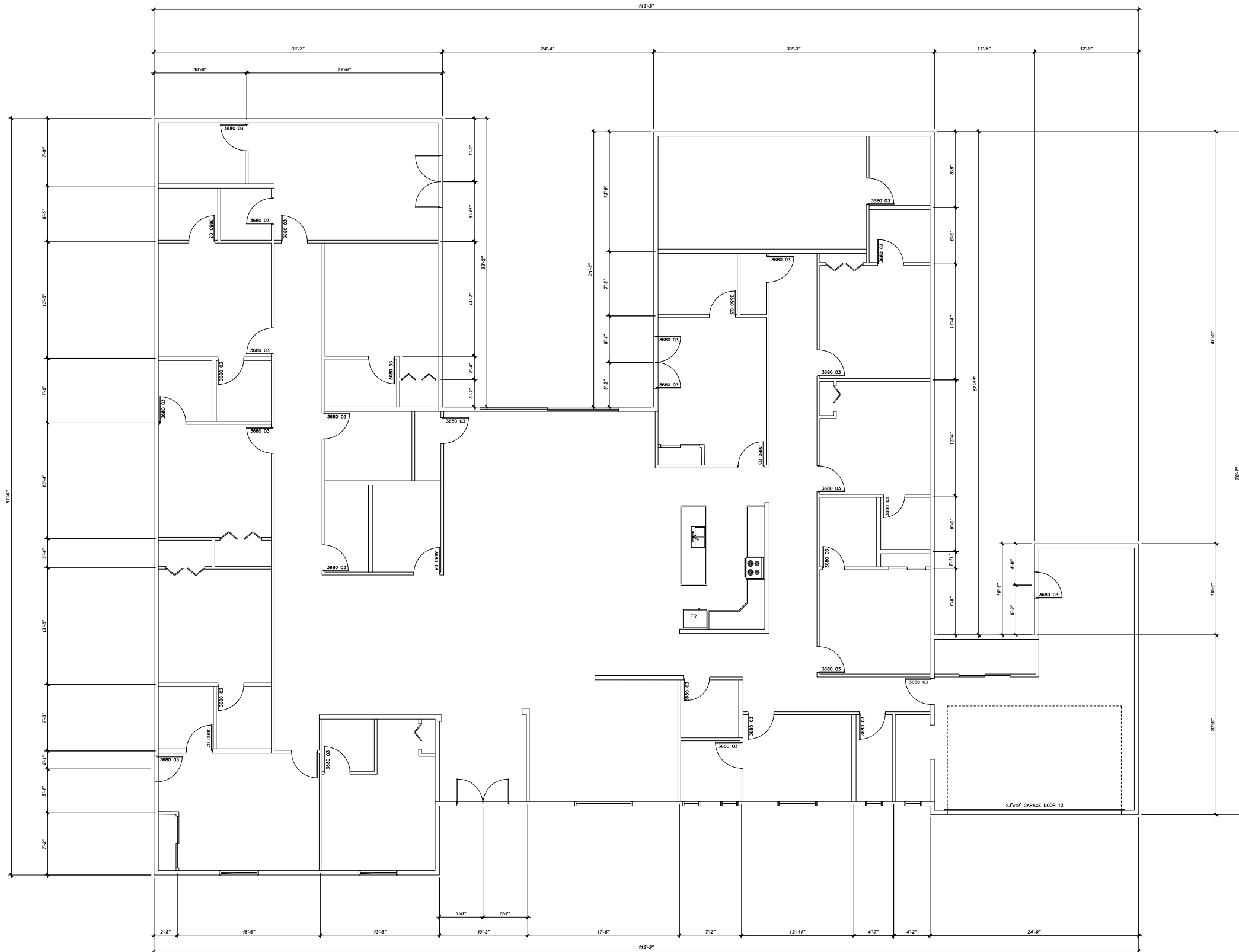


Hayden Road viewed from subject site.



Recently developed parcels within the vicinity of the subject site.



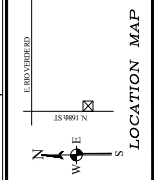


SQUARE FOOTAGE SUMMARY	
TOTAL LOT SIZE:	35110 S.F.
TOTAL HOUSE:	7728 S.F.
LIVABLE:	6490 S.F.
PORCH:	166 S.F.
PATIO:	451 S.F.
GARAGE:	621 S.F.
PROPOSED STRUCTURE:	0 S.F.
TOTAL UNDER ROOF:	7728 S.F.
TOTAL LOT COVERAGE:	22%
LOT COVERAGE ALLOWED:	60%

- NEW EXTERIOR WALL - 2x6 CONVENTIONAL FRAMING W/R-16 FOAM INSULATION
- NEW INTERIOR WALL - 2x6 CONVENTIONAL FRAMING @ 16" O.C. W/R-16 FOAM INSULATION-FIRE RATED
- NEW INTERIOR WALL - 2x4 CONVENTIONAL FRAMING @ 16" O.C.

- FLOOR PLAN NOTES**
- REFER TO GENERAL NOTES AND SPECIFICATIONS (SHEET 'C') FOR ADDITIONAL NOTES AND INFORMATION.
 - STUD WALLS: (IRC SECTION R602) EXTERIOR WALLS = 5-1/2" (2x6) @ 16" O.C. INTERIOR BRG WALLS = 3-1/2" (2x4) @ 16" O.C. INTERIOR NON-BRG WALLS = 3-1/2" (2x4) @ 24" O.C. UNLESS NOTED OTHERWISE TREATED OR FOUNDATION GRADE REDWOOD IRC SECTION R403.1.6
 - SLOPE LANDINGS AT DOORS A MAXIMUM OF 1/4" P.L.F.
 - THERE SHALL BE A FLOOR OR LANDING ON EACH SIDE OF EACH EXTERIOR DOOR. THE WIDTH OF THE LANDING SHALL NOT BE LESS THAN THE DOOR SERVED WITH A MINIMUM DIMENSION OF 36" MEASURED IN THE DIRECTION OF TRAVEL PER IRC SECTION R312
 - A SEPARATE INSULATION INSPECTION PRIOR TO DRYWALL, OR AN INSULATION CERTIFICATE WILL BE REQUIRED AT TIME OF FINAL. THIS HOUSE WILL NOT HAVE ANY NATURAL GAS, THIS WILL BE AN ALL ELECTRIC HOUSE
 - ALL CRIBBING SHALL BE 16" O.C. MAX W/BD NAILING @ 6" O.C. IN FIELD & 4" O.C. @ EDGES.
 - ALL DOORS AND WINDOWS ADJACENT TO AND ACTING AS A BARRIER BETWEEN THE THE EXISTING SWIMMING POOL SHALL COMPLY WITH IRC AG 105.1 POOL BARRIERS - AMENDED, IRC R308.4 ITEM 9, AND CITY OF PHOENIX BARRIER ORDINANCE.
 - ALL DOORS BETWEEN GARAGE AND RESIDENCE SHALL BE SOLID WOOD NOT LESS THAN 1-3/8" THICK, OR 20 MINUTE FIRE RATED & EQUIPPED WITH A SELF-CLOSING DEVICE.
 - SMOKE DETECTORS SHALL BE INSTALLED IN THE FOLLOWING LOCATIONS, SLEEPING ROOMS, OUTSIDE EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF A BEDROOM, SEE ELECTRICAL PLAN.
 - CARBON MONOXIDE DETECTOR SHALL BE INSTALLED OUTSIDE OF EACH SEPARATE SLEEPING AREAS IN THE VICINITY OF THE BEDROOMS. SEE ELECTRICAL PLAN.
 - ALL HABITABLE ROOMS SHALL HAVE AN AGGREGATE GLAZING AREA OF NOT LESS THAN 58% OF THE FLOOR AREA OF SUCH ROOMS.

Revisions



KJ Drafting Services, LLC.
 plan it before you build it
 EMAIL: KOYNER.066@GMAIL.COM
 PHONE: (480)736-1143

HAYDEN HOME CARE
 13340 N. HAYDEN RD
 SCOTTSDALE, AZ 85260
 APN: 175-03-054

Designed by:
 KEVIN JOYNER
 Drawn by:
 KEVIN JOYNER
 Checked by:
 Scale:
 1/4" = 1'-0"
 Date:
 09.05.2024
 Sheet:

A2

Table 1. Active care homes located within twelve hundred (1200) feet of another care home. All care homes under state licensing only or new/legacy approved status comply with the previous separation requirement of 500’ in any direction or 750’ on the same street.

APN	Status	Approximate Distance from Another Care Home	Case #	Notes
130-41-208	Legacy Approved	1,071'	4-AC-2014	
173-27-128	State License Only	836'		
173-55-239	New Approved	1,071'	12-AC-2016	Approved prior to adoption of 2-TA-2017.
173-61-086C	Legacy Approved	927'	10-AC-2008	
173-61-121	State License Only	927'		
173-69-055	Legacy Approved	836'	3-AC-2017	
175-01-157	Legacy Approved	870'	1-AC-2010	
175-04-039	State License Only	961', 914'		
175-04-063	Legacy Approved	961', 975'	9-AC-2015	
175-09-179	State License Only	1,107', 837'		
175-09-228	New Approved	975'	5-AC-2018	New operator of care home approved under 7-AC-2009.
175-10-067	New Approved	780', 1,034'	11-AC-2017	Approved prior to adoption of 2-TA-2017.
175-10-073	Legacy Approved	780', 914', 975', 877'	1-AC-2014	
175-10-169	Legacy Approved	655', 1,107'	19-AC-2016	
175-10-178	New Approved	877', 1,034', 655', 975'	4-AC-2022	Licensed since 2005. Disability accommodation approved under 6-BA-2022.
175-15-029	State License Only	837'		
175-18-018	Legacy Approved	865'	8-AC-2009	
175-19-008	Legacy Approved	865'	14-AC-2008	
216-66-201	State License Only	620'		
216-69-049B	State License Only	620'		
217-26-223	State License Only	580'		
217-26-230	Legacy Approved	580'	5-AC-2009	
217-26-245	New Approved	585'	4-AC-2010	Approved prior to adoption of 2-TA-2017.
217-26-304	New Approved	585'; 1,102'	6-AC-2017	Approved prior to adoption of 2-TA-2017.
217-26-323	State License Only	1,102'		
217-29-518	State License Only	535'		
217-32-012F	Legacy Approved	535'	2-AC-2010	
217-41-295	State License Only	870'		

“Legacy Approved” status refers to care homes that went through the City of Scottsdale’s approval process and were approved under the previous separation requirements of five hundred (500) feet in any direction or seven hundred fifty (750) feet on the same street.

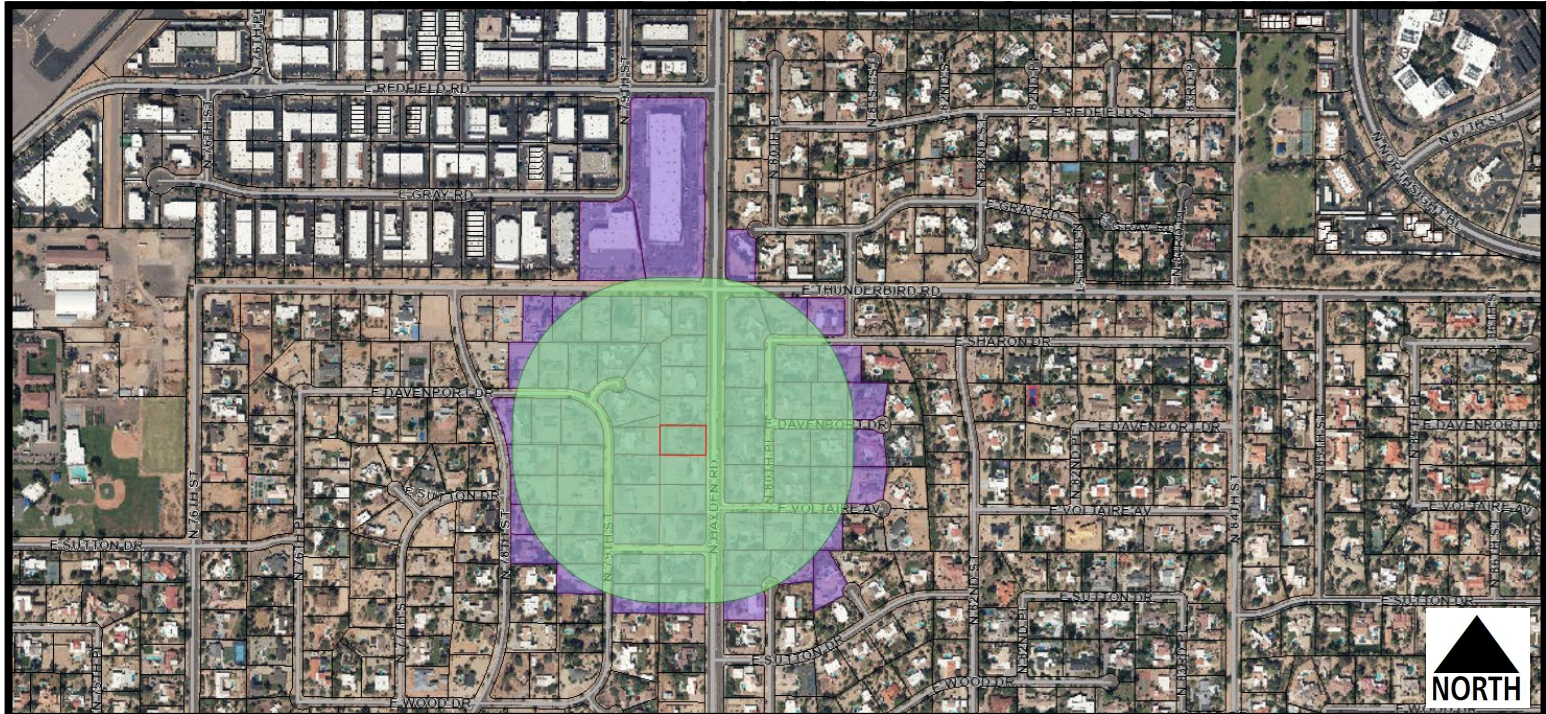
“State License Only” status refers to care homes that are licensed by the State of Arizona but have not gone through the City of Scottsdale’s approval process.

“New Approved” status refers to care homes that went through the City of Scottsdale’s approval process and met the criteria outlined by the Zoning Ordinance.

Source: City of Scottsdale Care Home Online Map <https://eservices.scottsdaleaz.gov/maps/care-homes#> available on the City of Scottsdale Care Homes and Group Homes webpage <https://www.scottsdaleaz.gov/codes-and-ordinances/care-homes>

City Notifications – Mailing List Selection Map

Hayden/Sweetwater Adult Care Home


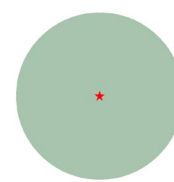


Labels pulled
August 30, 2024

Additional Notifications:

- Interested Parties List
- Adjacent HOA's
- P&Z E-Newsletter
- Facebook
- Nextdoor.com
- City Website-Projects in the hearing process

Map Legend:

-  Site Boundary
-  Properties within 750-foot

Postcards: 96

8-BA-2024